

REMARKS

Reconsideration and withdrawal of the examiner's rejections under 35 U.S.C. §§ 102 and 103 is respectfully requested in view of the following remarks and Declaration under 37 CFR § 1.132 submitted herewith. The applicant would like to thank the examiner for his time and kind cooperation in this matter.

35 USC § 102 and § 103

The examiner has rejected claims 1-10 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over GB 1 190 023. Applicants respectfully traverse this rejection.

As stated in the last response, GB '023 relates to a liquid biodegradable detergent composition based on alkali metal fatty soap and generically discloses the fact that the composition may contain at least one C₈ to C₂₂ unsaturated fatty acid (see page 1, line 19).

Applicants respectfully submit again that a proper prima facie case under §§ 102 or 103 has not been made out at least because there is no specific disclosure of castor oil or ricinoleic acid unsaturated soaps nor the specific concentration range claimed of 0.05 to 4% by wt. for these components.

GB1190023 does not disclose the percentage of unsaturated fatty acid in any example and does not contemplate that a specific low concentration of such fatty acid is required, nor does it specify that the liquid soap composition essentially consists of 0.05 to 4% by weight of the composition castor oil soap or salt of ricinoleic acid. In contrast, Examples 1 to 10 in GB 1190023 provide that the lowest amount of fatty acid which is present in the composition is 10.2% of the total composition, which goes up to a maximum of 36% of the composition.

As stated earlier, it has been unexpectedly found by way of the present invention (see examples) that a small amount of soap made from castor oil based fatty acids, their precursors or derivatives in a C₁₂-C₁₈ soap matrix ensures high transparency in the composition, and allows for a wider formulation window such as the higher use of sodium soaps, lower use of non-soap

detergents and humectants, and use of higher molecular weight fatty acid soaps. It is clear from the present specification (see for example page 12, lines 11 to 17 and also from tables 2 and 3) that the addition of castor oil increases the transparency of the soap composition dramatically. The results from the tables indicate that such behaviour is not seen when oleate soap is added to the compositions. Therefore it is specifically the castor oil which is required to improve the transparency of the present liquid cleansing composition and the claims of the present invention are not anticipated by nor rendered obvious in view of the art of record. Applicant's respectfully submit that assuming arguendo a proper prima facie case had been set out the unexpected results disclosed in the examples is sufficient to rebut the examiner's rejection under § 103. KSR v. Teleflex, 127 S.Ct. 1727 (2007). MPEP 716.02(a).

The examiner contends that the Tables in applicant's specification are not commensurate in scope with the claimed invention since the examples are drawn to narrower compositions outside the scope of the broader claims, and that criticality cannot be established. In response, applicants respectfully submit that the narrowing amendments of record, especially including the limitation that the unsaturated fatty acid soap consists essentially of castor oil and ricinoleic soaps in a specific narrow concentration range is commensurate with the experimental showing.

The examiner has rejected claims 1-10 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over GB 2 005 297. Applicants respectfully traverse this rejection. Applicants respectfully submit that GB '297 does not remedy the deficiencies of GB '023 and the lack of a proper prima facie case with respect to the specific and essential unsaturated fatty acids presently claimed nor the requirement that the liquid cleansing composition be transparent.

GB2005297 does not disclose or suggest that very low amounts of castor oil soap or salt of ricinoleic acid improve the transparency of a liquid cleansing composition because the cleansing composition of GB2005297 is specifically creamy white and not transparent. It is clear from this document, for example, on page 2, line 20, that GB 2005297 is directed toward formulating a creamy white liquid soap and therefore teaches away from transparent soap. Furthermore, GB2005297 does not specify the amount of unsaturated fatty acid present in the composition and it would not be obvious to the skilled person how much fatty acids is required

because the requirement is to produce a creamy white soap and not a transparent soap as with the present invention.

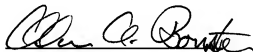
The examiner has rejected claims 1-10 under 35 U.S.C. 102(e) as being anticipated by WO 2006/045390. Applicants respectfully traverse this rejection.

Applicants herewith submit the Declaration under 37 CFR 1.132 of the present inventor, Niraj Dhansukhlal Mistry stating that he is an inventor of the liquid composition referred to by the examiner in WO 2006/045390. This declaration is submitted in response to the examiner's statement that applicant's assertion of the common obligation of assignment was insufficient under § 102(e) to avoid WO '390. Therefore, applicants respectfully submit that the § 102(e) rejection reference is not a proper rejection because it is not by "another". See MPEP § 715.01(a), § 715.01(c) and § 716.10.

CONCLUSION

In light of the above remarks and declaration, applicants submit that the claims now pending in the present application is in condition for allowance. Reconsideration and allowance of the application is respectfully requested. The examiner is invited to contact the undersigned if there are any questions concerning the case.

Respectfully submitted,



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